

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that Respondent meets the requirements of law for
5 the issuance to Respondent of an unrestricted real estate
6 salesperson license and that it would not be against the public
7 interest to issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement is granted and that a real estate
10 salesperson license be issued to Respondent, if Respondent
11 satisfies the following conditions within nine months from the
12 date of this Order:

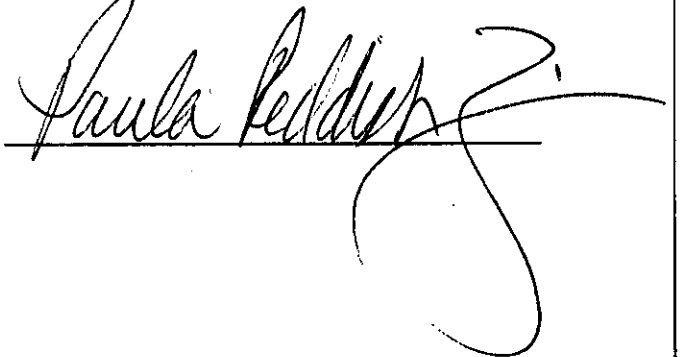
13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: *October 16*, 2002.

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner

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FILED
MAY 16 2000

DEPARTMENT OF REAL ESTATE

Laurie A. Z...

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-3474 SAC
LINDA SUE RILEY,)	OAH NO. N-1999100340
Respondent.)	

ORDER DENYING RECONSIDERATION

On March 16, 2000, a Stipulation and Agreement was rendered in the above-entitled matter. The Stipulation and Agreement as to Respondent LINDA SUE RILEY only is to become effective May 17, 2000.

On March 27, 2000, Respondent LINDA SUE RILEY petitioned for reconsideration of the Stipulation and Agreement of March 16, 2000, as to Respondent LINDA SUE RILEY only.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Stipulation and Agreement of March 16, 2000, as to Respondent LINDA SUE RILEY only, and reconsideration is hereby denied.

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IT IS HEREBY ORDERED May 14, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

Paula Reddish

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FILED
APR - 4 2000

DEPARTMENT OF REAL ESTATE

Laurie A. Zinnemann

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
LINDA SUE RILEY,) NO. H-3474 SAC
Respondent.)

ORDER STAYING EFFECTIVE DATE

On March 17, 2000, an Order was rendered in the above-entitled matter to become effective April 17, 2000.

IT IS HEREBY ORDERED that the effective date of the Order of the Commissioner of March 17, 2000, is stayed as to Respondent LINDA SUE RILEY only for a period of thirty (30) days.

The Order of the Commissioner of March 17, 2000, shall become effective as to Respondent LINDA SUE RILEY at 12 o'clock noon on May 17, 2000.

DATED: April 4, 2000

PAULA REDDISH ZINNE MANN
Real Estate Commissioner

John R. Liberator

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
MAR 27 2000

DEPARTMENT OF REAL ESTATE

By *Laurie A. Zai*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) DRE No. H-3474 SAC
12 ERA PHOENIX REALTY, INC.,) OAH No. N-1999100340
13 ROBERT IRVIN GRANT, and)
14 LINDA SUE RILEY,) STIPULATION AND AGREEMENT
Respondents.)

15 It is hereby stipulated by and between Respondents
16 ERA PHOENIX REALTY, INC. (hereinafter "ERA"), ROBERT IRVIN GRANT
17 (hereinafter "GRANT"), and LINDA SUE RILEY (hereinafter
18 "RILEY"), individually and by and through Brian E. Maloney,
19 Esq., attorney of record herein for Respondents, and the
20 Complainant, acting by and through James L. Beaver, Counsel for
21 the Department of Real Estate, as follows for the purpose of
22 settling and disposing of the Accusation filed on September 29,
23 1999 in this matter (hereinafter "the Accusation"):

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and
26 Respondents at a formal hearing on the Accusation, which hearing
27

H-3474 SAC

ERA PHOENIX REALTY, INC et al.

1 was to be held in accordance with the provisions of the
2 Administrative Procedure Act (APA), shall instead and in place
3 thereof be submitted solely on the basis of the provisions of
4 this Stipulation and Agreement.

5 2. Respondents have received, read and understand
6 the Statement to Respondent, the Discovery Provisions of the APA
7 and the Accusation filed by the Department of Real Estate in
8 this proceeding.

9 3. On October 12, 1999, Respondents each filed a
10 Notice of Defense pursuant to Section 11505 of the Government
11 Code for the purpose of requesting a hearing on the allegations
12 in the Accusation. Respondents hereby freely and voluntarily
13 withdraw said Notice of Defense. Respondents acknowledge that
14 Respondents understand that by withdrawing said Notice of
15 Defense Respondents will thereby waive Respondents' right to
16 require the Commissioner to prove the allegations in the
17 Accusation at a contested hearing held in accordance with the
18 provisions of the APA and that Respondents will waive other
19 rights afforded to Respondents in connection with the hearing
20 such as the right to present evidence in defense of the
21 allegations in the Accusation and the right to cross-examine
22 witnesses.

23 4. Respondents, pursuant to the limitations set
24 forth below, hereby admit that the factual allegations in the
25 Accusation are true and correct and the Real Estate Commissioner
26 shall not be required to provide further evidence of such
27 allegations.

H-3474 SAC

ERA PHOENIX REALTY, INC et al.



1 5. It is understood by the parties that the Real
2 Estate Commissioner may adopt the Stipulation and Agreement as
3 his decision in this matter, thereby imposing the penalty and
4 sanctions on Respondents' real estate license and license rights
5 as set forth in the "Order" below. In the event that the
6 Commissioner in his discretion does not adopt the Stipulation
7 and Agreement, it shall be void and of no effect, and
8 Respondents shall retain the right to a hearing and proceeding
9 on the Accusation under all the provisions of the APA and shall
10 not be bound by any admission or waiver made herein.

11 6. This Stipulation and Agreement shall not
12 constitute an estoppel, merger or bar to any further
13 administrative or civil proceedings by the Department of Real
14 Estate with respect to any matters which were not specifically
15 alleged to be causes for accusation in this proceeding.

16 DETERMINATION OF ISSUES

17 I

18 The acts and omissions of Respondents as described in
19 the Accusation are grounds for the suspension or revocation of
20 the licenses and license rights of Respondents under the
21 following provisions of the California Business and Professions
22 Code (hereinafter "the Code") and/or Chapter 6, Title 10,
23 California Code of Regulations (hereinafter "the Regulations"):

24 (a) as to Respondents ERA and RILEY and Paragraphs
25 XI through XIII, inclusive, in the Accusation, under Section
26 10177(d) of the Code in conjunction with Section 11018.2 of the
27 Code; and

H-3474 SAC

ERA PHOENIX REALTY, INC et al.

1 (b) as to Respondent GRANT and Paragraph XV in the
2 Accusation, under Section 10177(h) of the Code.

3 ORDER

4 I

5 All licenses and licensing rights of Respondent ERA
6 PHOENIX REALTY, INC. under the Real Estate Law are revoked;
7 provided, however, a restricted real estate broker license shall
8 be issued to said Respondent pursuant to Section 10156.5 of the
9 Business and Professions Code if, within 90 days from the
10 effective date of the Decision entered pursuant to this Order
11 Respondent makes application for the restricted license and pays
12 to the Department of Real Estate the appropriate fee therefor.

13 The restricted license issued to Respondent shall be
14 subject to all of the provisions of Section 10156.7 of the
15 Business and Professions Code and to the following limitations,
16 conditions and restrictions imposed under authority of Section
17 10156.6 of that Code:

18 1. Any restricted real estate license issued to
19 Respondent pursuant to this Decision shall be suspended for a
20 period of thirty (30) days from the date of issuance of said
21 restricted license; provided however, that if Respondent
22 petitions, said suspension (or a portion thereof) shall be stayed
23 upon condition that Respondent pays a monetary penalty pursuant
24 to Section 10175.2 of the Code at the rate of \$200.00 for each
25 day of the suspension for a total monetary penalty of \$6,000.00,
26 and upon condition that no further cause for disciplinary action
27 against the real estate license of Respondent occurs within one

H-3474 SAC

ERA PHOENIX REALTY, INC et al.



1 year from the effective date of the Decision in this matter. Any
2 stay granted pursuant to this paragraph shall be subject to the
3 following terms:

4 (a) Said monetary penalty payment shall be in the form
5 of a cashier's check or certified check made payable to the
6 Recovery Account of the Real Estate Fund. Said check must be
7 received by the Department prior to the effective date of the
8 Decision in this matter.

9 (b) The Commissioner may, if a final subsequent
10 determination is made, after hearing or upon stipulation, that
11 cause for disciplinary action occurred during the one (1) year
12 period following the effective date of the Decision in this
13 matter, vacate and set aside the stay and order the immediate
14 execution of all or any part of the stayed suspension, in which
15 event the Respondent shall not be entitled to any repayment nor
16 credit, prorated or otherwise, for money paid to the Department
17 under the terms of this Order.

18 (c) If Respondent fails to pay the monetary penalty in
19 accordance with the terms and conditions of the Decision, the
20 Commissioner may, without a hearing, order the immediate
21 execution of all or any part of the stayed suspension in which
22 event the Respondent shall not be entitled to any repayment nor
23 credit, prorated or otherwise, for money paid to the Department
24 under the terms of the Decision.

25 (d) If Respondent pays the monetary penalty and if no
26 order vacating the stay is made pursuant to Paragraph (b), above,
27 the stay granted pursuant to this Decision shall become

1 permanent.

2 2. The restricted license issued to Respondent may be
3 suspended prior to hearing by Order of the Real Estate
4 Commissioner in the event of Respondent's conviction or plea of
5 nolo contendere to a crime which is substantially related to
6 Respondent's fitness or capacity as a real estate licensee.

7 3. The restricted license issued to Respondent may be
8 suspended prior to hearing by Order of the Real Estate
9 Commissioner on evidence satisfactory to the Commissioner that
10 Respondent has violated provisions of the California Real Estate
11 Law, the Subdivided Lands Law, Regulations of the Real Estate
12 Commissioner or conditions attaching to the restricted license.

13 4. Respondent shall not be eligible to apply for the
14 issuance of an unrestricted real estate license nor for the
15 removal of any of the conditions, limitations or restrictions of
16 a restricted license until one (1) year has elapsed from the
17 effective date of this Decision.

18 II

19 All licenses and licensing rights of Respondent ROBERT
20 IRVIN GRANT under the Real Estate Law are revoked; provided,
21 however, a restricted real estate broker license shall be issued
22 to said Respondent pursuant to Section 10156.5 of the Business
23 and Professions Code if, within 90 days from the effective date
24 of the Decision entered pursuant to this Order, Respondent makes
25 application for the restricted license and pays to the Department
26 of Real Estate the appropriate fee therefor.

1 The restricted license issued to Respondent shall be
2 subject to all of the provisions of Section 10156.7 of the
3 Business and Professions Code and to the following limitations,
4 conditions and restrictions imposed under authority of Section
5 10156.6 of that Code:

6 1. Any restricted real estate license issued to
7 Respondent pursuant to this Decision shall be suspended for a
8 period of ten (10) days from the date of issuance of said
9 restricted license; provided however, that if Respondent
10 petitions, said suspension (or a portion thereof) shall be stayed
11 upon condition that Respondent pays a monetary penalty pursuant
12 to Section 10175.2 of the Code at the rate of \$200.00 for each
13 day of the suspension for a total monetary penalty of \$2,000.00,
14 and upon condition that no further cause for disciplinary action
15 against the real estate license of Respondent occurs within one
16 year from the effective date of the Decision in this matter. Any
17 stay granted pursuant to this paragraph shall be subject to the
18 following terms:

19 (a) Said monetary penalty payment shall be in the form
20 of a cashier's check or certified check made payable to the
21 Recovery Account of the Real Estate Fund. Said check must be
22 received by the Department prior to the effective date of the
23 Decision in this matter.

24 (b) The Commissioner may, if a final subsequent
25 determination is made, after hearing or upon stipulation, that
26 cause for disciplinary action occurred during the one (1) year
27 period following the effective date of the Decision in this

1 matter, vacate and set aside the stay and order the immediate
2 execution of all or any part of the stayed suspension, in which
3 event the Respondent shall not be entitled to any repayment nor
4 credit, prorated or otherwise, for money paid to the Department
5 under the terms of this Order.

6 (c) If Respondent fails to pay the monetary penalty in
7 accordance with the terms and conditions of the Decision, the
8 Commissioner may, without a hearing, order the immediate
9 execution of all or any part of the stayed suspension in which
10 event the Respondent shall not be entitled to any repayment nor
11 credit, prorated or otherwise, for money paid to the Department
12 under the terms of the Decision.

13 (d) If Respondent pays the monetary penalty and if no
14 order vacating the stay is made pursuant to Paragraph (b), above,
15 the stay granted pursuant to this Decision shall become
16 permanent.

17 2. The restricted license issued to Respondent may be
18 suspended prior to hearing by Order of the Real Estate
19 Commissioner in the event of Respondent's conviction or plea of
20 nolo contendere to a crime which is substantially related to
21 Respondent's fitness or capacity as a real estate licensee.

22 3. The restricted license issued to Respondent may be
23 suspended prior to hearing by Order of the Real Estate
24 Commissioner on evidence satisfactory to the Commissioner that
25 Respondent has violated provisions of the California Real Estate
26 Law, the Subdivided Lands Law, Regulations of the Real Estate
27 Commissioner or conditions attaching to the restricted license.

1 4. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor for the
3 removal of any of the conditions, limitations or restrictions of
4 a restricted license until one (1) year has elapsed from the
5 effective date of this Decision.

6 5. Respondent shall, within six (6) months from the
7 issuance of the restricted license, take and pass the
8 Professional Responsibility Examination administered by the
9 Department including the payment of the appropriate examination
10 fee. If Respondent fails to satisfy this condition, the
11 Commissioner may order the suspension of the restricted license
12 until Respondent passes the examination.

13 III

14 All licenses and licensing rights of Respondent LINDA
15 SUE RILEY under the Real Estate Law are revoked; provided,
16 however, a restricted real estate salesperson license shall be
17 issued to said Respondent pursuant to Section 10156.5 of the
18 Business and Professions Code if Respondent makes application
19 therefor and pays to the Department of Real Estate the
20 appropriate fee for the restricted license within 90 days from
21 the effective date of this Decision.

22 The restricted license issued to Respondent shall be
23 subject to all of the provisions of Section 10156.7 of the
24 Business and Professions Code and to the following limitations,
25 conditions and restrictions imposed under authority of Section
26 10156.6 of that Code:
27

H-3474 SAC

ERA PHOENIX REALTY, INC et al.

1 1. The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of Respondent's conviction or plea of
4 nolo contendere to a crime which is substantially related to
5 Respondent's fitness or capacity as a real estate licensee.

6 2. The restricted license issued to Respondent may be
7 suspended prior to hearing by Order of the Real Estate
8 Commissioner on evidence satisfactory to the Commissioner that
9 Respondent has violated provisions of the California Real Estate
10 Law, the Subdivided Lands Law, Regulations of the Real Estate
11 Commissioner or conditions attaching to the restricted license.

12 3. Respondent shall not be eligible to apply for the
13 issuance of an unrestricted real estate license nor for the
14 removal of any of the conditions, limitations or restrictions of
15 a restricted license until one (1) year has elapsed from the
16 effective date of this Decision.

17 4. Respondent shall, within nine months from the
18 effective date of the Decision, present evidence satisfactory to
19 the Real Estate Commissioner that Respondent has, since the most
20 recent issuance of an original or renewal real estate license,
21 taken and successfully completed the continuing education
22 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
23 for renewal of a real estate license. If Respondent fails to
24 satisfy this condition, the Commissioner may order the
25 suspension of the restricted license until the Respondent
26 presents such evidence. The Commissioner shall afford
27 Respondent the opportunity for a hearing pursuant to the

1 Administrative Procedure Act to present such evidence.

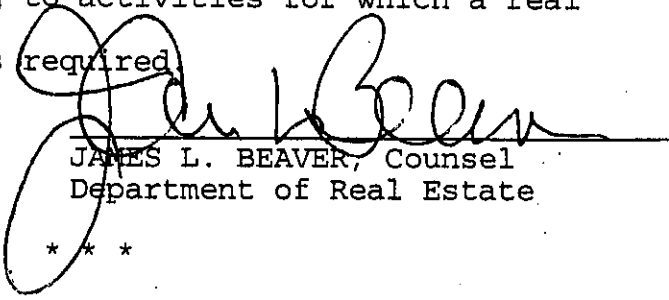
2 5. Respondent shall, within six (6) months from the
3 issuance of the restricted license, take and pass the
4 Professional Responsibility Examination administered by the
5 Department including the payment of the appropriate examination
6 fee. If Respondent fails to satisfy this condition, the
7 Commissioner may order the suspension of the restricted license
8 until Respondent passes the examination.

9 6. Respondent shall submit with any application for
10 license under an employing broker, or any application for
11 transfer to a new employing broker, a statement signed by the
12 prospective employing real estate broker on a form approved by
13 the Department of Real Estate which shall certify:

14 (a) That the employing broker has read the Decision
15 of the Commissioner which granted the right to a
16 restricted license; and

17 (b) That the employing broker will exercise close
18 supervision over the performance by the restricted
19 licensee relating to activities for which a real
20 estate license is required.

21 February 15, 2000
22 DATED

23 
24 JAMES L. BEAVER, Counsel
25 Department of Real Estate

26 * * *

27 I have read the Stipulation and Agreement and have
discussed its terms with my attorney and its terms are
understood by me and are agreeable and acceptable to me. I
understand that I am waiving rights given to me by the

H-3474 SAC

ERA PHOENIX REALTY, INC et al.

1 California Administrative Procedure Act (including but not
2 limited to Sections 11506, 11508, 11509, and 11513 of the
3 Government Code), and I willingly, intelligently, and
4 voluntarily waive those rights, including the right of requiring
5 the Commissioner to prove the allegations in the Accusation at a
6 hearing at which I would have the right to cross-examine
7 witnesses against me and to present evidence in defense and
8 mitigation of the charges.

9 2-15-00
DATED

ERA PHOENIX REALTY, INC.
Respondent

10 By [Signature]
11 ROBERT IRVIN GRANT
Designated Officer - Broker

12 2-15-00
13 DATED

[Signature]
ROBERT IRVIN GRANT
Respondent

14 2-15-00
15 DATED

[Signature]
LINDA SUE RILEY
Respondent

16 * * *

17 I have reviewed the Stipulation and Agreement as to
18 form and content and have advised my clients accordingly.

19 2/15/00
20 DATED

[Signature]
BRIAN E. MALONEY
Attorney for Respondents

21 * * *

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H-3474 SAC

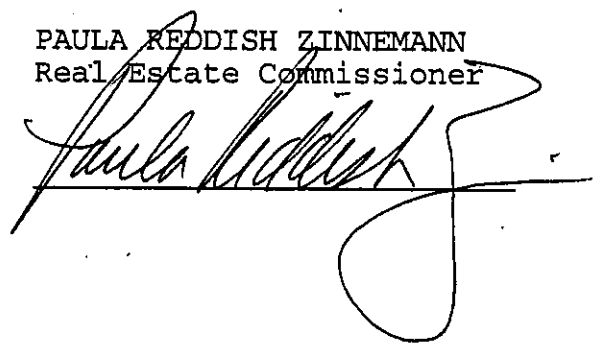
ERA PHOENIX REALTY, INC et al.

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The foregoing Stipulation and Agreement is hereby
adopted by as my Decision in this matter and shall become
effective at 12 o'clock noon on April 17, 2000.

IT IS SO ORDERED March 17, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



FILED
DEC - 7 1999

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

Luisiel Z...

In the Matter of the Accusation of

ERA PHOENIX REALTY, INC.,
ROBERT IRVIN GRANT, and
LINDA SUE RILEY,

}

Case No. H-3474 SAC

OAH No. N-1999100340

Respondent

FIRST AMENDED
NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the
Office of Administrative Hearings, 560 J Street, Suite 340/360,
Sacramento, CA 95814

on February 22 through 24, 2000, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: December 7, 1999

By *J. L. Beaver*
JAMES L. BEAVER
Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
NOV - 9 1999

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ERA PHOENIX REALTY, INC.,
ROBERT IRVIN GRANT, and
LINDA SUE RILEY,

}

Case No. H-3474 SAC

OAH No. N-1999100340

Laurie A. Z...

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the
Office of Administrative Hearings, 560 J Street, Suite 340/360,
Sacramento, CA 95814

on January 4 through 6, 2000, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE
By *[Signature]*
JAMES L. BEAVER Counsel

Dated: November 9, 1999

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED
SEP 29 1999

DEPARTMENT OF REAL ESTATE

By *Laurie A. Grant*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-3474 SAC
12 ERA PHOENIX REALTY, INC.,) ACCUSATION
13 ROBERT IRVIN GRANT, and)
14 LINDA SUE RILEY,)
15 Respondents.)

16 The Complainant, Charles W. Koenig, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against ERA PHOENIX REALTY, INC., ROBERT IRVIN GRANT
19 and LINDA SUE RILEY (hereinafter "Respondents"), is informed and
20 alleges as follows:

21 I

22 The Complainant, Charles W. Koenig, a Deputy Real
23 Estate Commissioner of the State of California, makes this
24 Accusation in his official capacity.

25 ///

26 ///

27 ///

1 II

2 At all times herein mentioned, Respondents were and now
3 are licensed and/or have license rights under the Real Estate Law
4 (Part 1 of Division 4 of the Business and Professions Code)
5 (hereinafter "the Code").

6 III

7 At all times herein mentioned, Respondent ERA PHOENIX
8 REALTY, INC. (hereinafter "ERA") was and now is licensed by the
9 Department of Real Estate of the State of California (hereinafter
10 "the Department") as a corporate real estate broker by and
11 through Respondent ROBERT IRVIN GRANT (hereinafter "GRANT") as
12 designated officer-broker of Respondent ERA to qualify said
13 corporation and to act for said corporation as a real estate
14 broker.

15 IV

16 At all times herein mentioned, Respondent GRANT was and
17 now is licensed by the Department as a real estate broker,
18 individually and as designated officer-broker of Respondent ERA.
19 As said designated officer-broker, Respondent GRANT was at all
20 times mentioned herein responsible pursuant to Section 10159.2 of
21 the Code for the supervision of the activities of the officers,
22 agents, real estate licensees and employees of Respondent ERA for
23 which a license is required.

24 V

25 Whenever reference is made in an allegation in this
26 Accusation to an act or omission of Respondent ERA, such
27 allegation shall be deemed to mean that the officers, directors,

1 employees, agents and real estate licensees employed by or
2 associated with Respondent ERA committed such act or omission
3 while engaged in the furtherance of the business or operations of
4 Respondent ERA and while acting within the course and scope of
5 their corporate authority and employment.

6 VI

7 At all times herein mentioned, Respondent LINDA SUE
8 RILEY (hereinafter "RILEY") was and now is licensed by the
9 California Department of Real Estate (hereinafter "the
10 Department") as a real estate salesperson in the employ of
11 Respondent ERA.

12 VII

13 At all times herein mentioned, Respondents ERA, GRANT,
14 and RILEY engaged in the business of, acted in the capacity of,
15 advertised, or assumed to act as real estate brokers within the
16 State of California within the meaning of Section 10131(a) of the
17 Code, including the operation and conduct of real estate sales
18 brokerage businesses with the public wherein, on behalf of
19 others, for compensation or in expectation of compensation,
20 Respondents sold and offered to sell, bought and offered to buy,
21 solicited prospective sellers and purchases of, solicited and
22 obtained listings of, and negotiated the purchase and sale of
23 real property.

24 VIII

25 At all times mentioned herein Respondents were the
26 agents of the owner or subdivider of subdivided lands as defined
27 in Section 11000 of the Code.

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IX

Said subdivided lands, known as or commonly called "Fremont's Peak Estates" (hereinafter "the Subdivision"), include all that real property in the County of El Dorado, State of California described as Lots 1 through 36 as shown on that certain map entitled "Fremont's Peak Estates" filed in the office of the Recorder of the County of El Dorado, State of California, on December 18, 1991, in Book H of Maps, at page 60.

X

On February 19, 1992, the Department issued to Robert W. Paasch and Russell C. Paasch the Department's Final Subdivision Public Report, File Number 029733 SA F00 (hereinafter "the Final Public Report"), authorizing said subdividers to offer for sale and sell lots in the subdivision. On July 14, 1993, the Department amended the Final Public Report in File Number 029733 SA A01. The Final Subdivision Public Report, including said amendment thereof, expired on February 18, 1997, and was never thereafter amended or renewed. At no time mentioned herein since February 18, 1997 has there existed a current, active public report issued by the Department authorizing any person to offer for sale or sell lots in the subdivision.

XI

At all times mentioned herein between on or about February 28, 1997 and on or about August 17, 1999, Respondents ERA and RILEY solicited prospective purchasers, offered for sale and sold lots in said Subdivision, including but not limited to
///

1 Lots 8, 9, 11, 14, 15, 16, 28, 29, 30, and 31, in said
2 Subdivision.

3 XII

4 On or about the dates tabulated below, in course of the
5 activities described in Paragraphs XI, above, Respondents ERA and
6 RILEY solicited prospective purchasers, offered for sale and sold
7 the lots tabulated below in said Subdivision to the purchasers
8 tabulated below:

9	<u>DATE</u>	<u>PURCHASER</u>	<u>LOTS</u>
10	04/03/97	Frank S. Ramos	Lot 15
11	02/28/97	Christopher Seagondollar	Lot 16
12	04/10/97	T. L. Stigall, Inc.	Lot 31
13	04/10/97	T. L. Stigall, Inc.	Lot 8
14	09/24/97	Peter L. Bloathner	Lot 9
15	10/22/97	Ray and Joanne Burrows	Lot 29
16	06/10/98	Peter R. Brown	Lot 11
17	08/27/98	Bill Barton	Lot 14
18	09/25/98	Hudgins Construction, Inc.	Lot 30
19	06/03/99	Andrew and Grace Bower	Lot 28

20 XIII

21 Respondents ERA and RILEY offered for sale and sold
22 lots in said Subdivision, as described in Paragraphs XI and XII,
23 above, without having first obtained a public report as required
24 by Section 11018.2 of the Business and Professions Code of the
25 State of California (hereinafter "the Code").

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XIV

In course of the transactions described in Paragraph XI through XIII, above, Respondents ERA and RILEY failed to provide the purchasers with a copy of a current active subdivision public report issued by the Department authorizing the sale of lots in the Subdivision, and caused, suffered and permitted the owner and subdivider of the subdivision to fail to provide such purchasers with such a subdivision public report, in violation of Section 11018.1(a) of the Code.

XV

Respondent GRANT failed to exercise reasonable supervision over the acts of Respondent ERA in such a manner as to allow the acts and omissions described in Paragraphs XI through XIV, inclusive, above, to occur.

XVI

The acts and omissions of Respondents ERA and RILEY described in Paragraphs XI through XIII, inclusive, above, constitute cause for the suspension or revocation of the licenses and license rights of Respondents ERA and RILEY under Section 10177(d) of the Code in conjunction with Section 11018.2 of the Code.

XVII

The acts and omissions of Respondents ERA and RILEY described in Paragraph XIV, above, constitute cause for the suspension or revocation of the licenses and license rights of Respondents ERA and RILEY under Section 10177(d) of the Code in conjunction with Section 11018.1(a) of the Code.

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XVIII

The facts alleged in Paragraph XV, above, are grounds for the suspension or revocation of the licenses and license rights of Respondent GRANT under Section 10177(g) and/or Section 10177(h) of the Code and Section 10159.2 of the Code in conjunction with Section 10177(d) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other provisions of law.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 21st day of September, 1999.